

1 MATTHEW ZIMMERMAN (CSB No. 212423)
mattz@eff.org

2 CORYNNE MCSHERRY (CSB No. 221504)
corynne@eff.org

3 ELECTRONIC FRONTIER FOUNDATION
815 Eddy Street

4 San Francisco, CA 94109

Telephone: (415) 436-9333

5 Facsimile: (415) 436-9993

6 DAVID HALPERIN (ADMITTED PRO HAC VICE)

davidhalperindc@gmail.com

7 3333 14th Street NW, Suite 205

Washington, DC 20010

8 ANDREW P. BRIDGES (CSB No. 122761)

9 abridges@fenwick.com

JAMES J. VARELLAS III (CSB No. 253633)

10 jvarellas@fenwick.com

KATHLEEN LU (CSB No. 267032)

11 klu@fenwick.com

FENWICK & WEST LLP

12 555 California Street, 12th Floor

San Francisco, CA 94104

13 Attorneys for Plaintiff

14 PUBLIC.RESOURCE.ORG

16 UNITED STATES DISTRICT COURT

17 NORTHERN DISTRICT OF CALIFORNIA

18 SAN FRANCISCO DIVISION

20 PUBLIC.RESOURCE.ORG,

21 Plaintiff,

22 v.

23 SHEET METAL AND AIR CONDITIONING
CONTRACTORS' NATIONAL
24 ASSOCIATION, INC.,

25 Defendant.

Case No.: 3:13-cv-00815 SC

**REQUEST FOR CLERK'S ENTRY OF
DEFAULT AGAINST DEFENDANT
SHEET METAL AND AIR
CONDITIONING CONTRACTORS'
NATIONAL ASSOCIATION, INC.**

28 REQUEST FOR CLERK'S ENTRY OF
DEFAULT
CASE NO.: 3:13-CV-00815 SC

TO THE CLERK OF THE COURT:

Pursuant to the Federal Rule of Civil Procedure 55(a), Plaintiff PUBLIC.RESOURCE.ORG hereby requests entry of default against Defendant SHEET METAL AND AIR CONDITIONING CONTRACTORS' NATIONAL ASSOCIATION, INC., on the ground that Defendant has failed to respond to the Complaint for Declaratory and Injunctive Relief (the "Complaint") within the time prescribed by the Federal Rules of Civil Procedure.

On March 14, 2013, counsel for Defendant signed and returned a Waiver of the Service of Summons (the "Waiver"), which Public.Resource.Org subsequently filed with the Court. The Waiver included the following statement: "I also understand that I, or the entity I represent, must file and serve an answer or a motion under Rule 12 within 60 days from March 1, 2013, the date when this request was sent." (Declaration of Corynne McSherry in Support of Public.Resource.Org's Request for Clerk's Entry of Default ("McSherry Decl.") ¶¶ 2-4; Dkt. No. 11.) Under the Waiver, the Defendant's deadline to respond to the Complaint was April 30, 2013.

As of May 6, 2013, Defendant has not responded to the Complaint. (McSherry Decl. ¶ 5.) Further, on May 3, 2013, Defendant advised counsel for Public.Resource.Org that "our client is not intending on filing a responsive pleading." (McSherry Decl. ¶ 6 & Ex. 1.)

The accompanying Declaration of Corynne McSherry further sets forth the relevant facts.

For these reasons, Plaintiff respectfully requests that the Clerk enter default against Defendant SHEET METAL AND AIR CONDITIONING CONTRACTORS' NATIONAL ASSOCIATION, INC.

Dated: May 6, 2013

FENWICK & WEST LLP

By: /s/ James J. Varellas III
James J. Varellas III
Attorneys for Plaintiff
PUBLIC.RESOURCE.ORG